

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

SYLVAN GODFREY, Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.	3:16-CV-03030-RAL ORDER DENYING REQUEST FOR DISCOVERY
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On September 20, 2016, this Court entered an Order Screening and Dismissing § 2255 Motion in this case, Doc. 10, and Judgment of Dismissal, Doc. 11. Plaintiff Sylvan Godfrey appealed, and the United States Court of Appeals for the Eighth Circuit denied certificates of appealability and dismissed Godfrey's appeal on June 1, 2017. Doc. 27.

Godfrey on April 26, 2024, filed a request for discovery for Brady and Jencks Act material. Doc. 37. Godfrey received discovery prior to his jury trial on the underlying criminal case of United States v. Godfrey, 13-CR-30118, in which he was convicted on one count of aggravated sexual abuse of a child. Godfrey may have meant for his request for discovery filed in this case to be addressed to just the United States Attorney and not be considered a motion for this Court to consider. After all, judgment of dismissal in this case is final, and the case is closed. Godfrey appears to lack grounds to justify and prevail on a successive 28 U.S.C. § 2255 case, but he may file such a case if he wishes. That is a more appropriate way to present any additional claims rather than filing motions in a § 2255 case concluded nearly seven years ago. Therefore, it is hereby

ORDERED that Godfrey's request for discovery, Doc. 37, is denied to the extent that it is a motion, but that the Clerk of Court mail to Godfrey a package by which he can file, if he wishes, a successive 28 U.S.C. § 2255 case.

DATED this 1st day of May, 2024.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE